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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOHN AMORATI and KAREN AMORATI, )

Plaintiffs, )

v. )

MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC., a Delaware )  
Corporation; FIRST OHIO BANC & )  
LENDING, INC.; KIRK K. SMITH, an )  
individual; EMC MORTGAGE )  
CORPORATION; and DOES 1 through 25; )  
inclusive, )

Defendants. )  
\_\_\_\_\_ )

CASE NO. 3:11-cv-00331-LRH-VPC

**STIPULATION AND ORDER TO  
DISMISS PLAINTIFFS' COMPLAINT  
WITH PREJUDICE AND TO CANCEL  
AND EXPUNGE LIS PENDENS**

1 Defendants EMC Mortgage LLC formerly known as EMC Mortgage Corporation  
2 (collectively, "EMC") and Mortgage Electronic Registration Systems, Inc. ("MERS")  
3 (collectively, "Defendants"), and Plaintiffs John Amorati and Karen Amorati ("Plaintiffs"), by and  
4 through their respective counsel, hereby stipulate and agree as follows:  
5

6 1. The within Complaint shall be dismissed with prejudice as against MERS  
7 and EMC, with the parties to bear their own attorneys' fees and costs of suit, and each of the  
8 Defendants (and their respective affiliates, predecessors, successors, successor servicers, and  
9 assigns) shall be released and discharged from all claims that are herein alleged, or could have  
10 been alleged, by the Plaintiffs through and including the date of this Stipulation.  
11

12 2. Plaintiffs hereby voluntarily dismiss this action as against all remaining  
13 defendants without prejudice pursuant to Fed. R. Civ. P. 41(a).

14 3. Nothing in this Order, or the relief granted herein, shall be construed or  
15 deemed to alter, affect, limit, waive, or restrict the rights of any of the Defendants (or any of their  
16 affiliates, predecessors, successors, and assigns) relating to the real property that is the subject of  
17 this action (21440 Pinenut Road, Virginia City, Nevada 89521, parcel no. 003-101-14) (the  
18 "Property") and/or any mortgage, security interest, or foreclosure relating to said Property.  
19

20 4. The Notice of Pendency of Action (Instrument Number 0114823) ("Lis  
21 Pendens") that Plaintiffs caused to be recorded on or about April 5, 2011 against the Property shall  
22 be cancelled and expunged from the records of the Storey County, Nevada Recorder ("Recorder"),  
23 and shall be of no force or effect whatsoever; and this Order may be recorded with the Recorder  
24 forthwith.  
25

26 ...

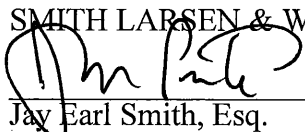
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5. Inasmuch as this action is dismissed as against all named defendants, all pending motions, hearings and other pending matters herein are hereby vacated and this entire action is hereby deemed CLOSED.

DATED January 20, 2012.

SMITH LARSEN & WIXOM

  
Jay Earl Smith, Esq.  
Nevada Bar No. 1182  
Joseph T. Prete, Esq.  
Nevada Bar No. 9654  
Katie M. Weber, Esq.  
Nevada Bar No. 11736  
1935 Village Center Circle  
Las Vegas, Nevada 89134  
Attorneys for Defendants  
EMC Mortgage LLC formerly  
known as EMC Mortgage Corporation, and  
Mortgage Electronic Registration Systems, Inc.

DATED January 20, 2012.

TORY M. PANKOPF, LTD.

/s/ Tory M. Pankopf, Esq. (see attached)  
Tory M. Pankopf, Esq.  
Nevada Bar No. 7477  
10471 Double R Blvd., Suite C  
Reno, NV 89521  
tppankopf@sbcglobal.net  
Attorney for Plaintiffs

**IT IS SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2012.

SEE NEXT PAGE

\_\_\_\_\_  
U.S. DISTRICT JUDGE

5. Inasmuch as this action is dismissed as against all named defendants, all pending motions, hearings and other pending matters herein are hereby vacated and this entire action is hereby deemed CLOSED.

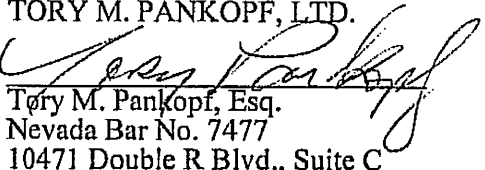
DATED January 14, 2012.

SMITH LARSEN & WIXOM

Jay Earl Smith, Esq.  
Nevada Bar No. 1182  
Joseph T. Prete, Esq.  
Nevada Bar No. 9654  
Katie M. Weber, Esq.  
Nevada Bar No. 11736  
1935 Village Center Circle  
Las Vegas, Nevada 89134  
Attorneys for Defendants  
EMC Mortgage LLC formerly  
known as EMC Mortgage Corporation, and  
Mortgage Electronic Registration Systems, Inc.

<sup>20th</sup>  
DATED January 14, 2012.

TORY M. PANKOPF, LTD.

  
Tory M. Pankopf, Esq.  
Nevada Bar No. 7477  
10471 Double R Blvd., Suite C  
Reno, NV 89521  
[tppankopf@sbcglobal.net](mailto:tppankopf@sbcglobal.net)  
Attorney for Plaintiffs

IT IS SO ORDERED this 23rd day of January, 2012.



LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE